

S/N 09/202,634

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Supp
Amend 1)
PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	SCHUBERT ET AL.	Examiner:	J. EINSMANN
Serial No.:	09/202,634	Group Art Unit:	1634
Filed:	MARCH 3, 1999	Docket No.:	9725.13USWO
Title:	OZONE-INDUCED GENE EXPRESSION IN PLANTS		

CERTIFICATE UNDER 37 CFR 1.6(d): I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on August 7, 2002.

By:

Name:

Brenda Snyder
*DRENDA SNYDER*SUPPLEMENTAL AMENDMENT IN RESPONSE TO OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231



Dear Sir:

This amendment is supplemental to the amendment and response mailed on July 5, 2002. The July 5, 2002 amendment and response was fully responsive to the Office Action mailed on March 4, 2002. The amendment and remarks that follow are also responsive to the March 4th Office Action. Reconsideration of the merits of the claimed invention, in light of the remarks presented in July 5, 2002 amendment and response, and the amendment and remarks below is respectfully requested.

IN THE CLAIMS

Please cancel 28 without prejudice.

Please amend claims 9 and 27 and add new claim 44 to read as follows:

9. (Amended) The chimeric nucleic acid molecule of Claim 8 further comprising coding regions, wherein the chimeric molecule renders possible ozone-inducible expression of the coding regions in plants.

27. (Amended) A method for the production of transgenic plants or plant cells comprising:
introducing into said plant or plant cell a nucleic acid molecule comprising the sequence as set
forth in claim 4, or a fragment thereof,
wherein one or several genes, the expression of which is not naturally or not substantially
induced by ozone, are ozone inducible, due to the introduction of the nucleic acid molecule.

44. (New) A method as set forth in Claim 27, wherein the one or several genes are ozone-
inducible reporter genes.

REMARKS

Applicants request that this supplemental amendment be entered and considered in this case. This supplemental amendment is being filed only about one month after the filing of the previous July 5, 2002 response, thus the Examiner has not likely devoted significant time to the preparation of an Office Action. Additionally, this supplemental response should not require significant additional time in the Examiner's preparation of an Office Action because the amendments presented herein simply clarify typographical errors and restore a claim inadvertently cancelled in the previous response. Thus, Applicant respectfully requests that the Examiner enter and consider this response and the accompanying amendment as indicated by MPEP 714.03(a)(IV).

Upon entry of the above amendment, claims 1-4, 8-11, 15, 18-21, 23, 27, 33, and 38-44 will be pending in this case.

Claims 9 and 27 have been amended to correct typographical errors. As claim 29 rather than claim 28 was mistakenly cancelled in the July 5, 2002 response, claim 28 has been deleted and claim 44, which corresponds to cancelled claim 29, has been added. No new matter has been introduced.

Applicants maintain all traversals presented in the July 5, 2002 response and asserts that the remarks presented in the July 5th response are applicable to the claims presented herein.

CONCLUSION

Applicants submit that the present Amendment places the application in condition for allowance; prompt passage to issue is earnestly solicited.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

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Keith Campbell Ph.D.
Keith Campbell
Reg. No. 46,597
JJG:KMC